

REMARKS

Applicants have corrected a minor deficiency in claim 8, and added new claim 17. Support for the new claim can be found at page 11, line 4 of the Specification. No new matter has been introduced by the amendment.

Claims 1-17 are currently pending. Reconsideration of the application, as amended, is respectfully requested in view of the remarks below.

Rejection under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-16 as being anticipated by Nakato et al., EPO 826,716A2 ("Nakato"). See the Office Action, page 2, lines 19-20.

Claim 1, the only independent claim, will be discussed first. It is drawn to a process for producing a polysuccinimide (co)polymer derivative. The process includes reacting a polysuccinimide (co)polymer in a fluidized state with a Lewis base by heating in the presence of a solvent having a low boiling point and a high relative permittivity. Being "fluidized," a polysuccinimide (co)polymer raw material is "partially molten" or "partially dissolved" in the solvent. See the specification, page 5, lines 30-31; and page 10, line 31 to page 11, line 3. As a result, a polysuccinimide (co)polymer derivative can be produced in a more facile and efficient manner. See, e.g., page 4, line 21 to page 5, line 1; page 6, lines 3-8; and page 26, line 20 to page 27, line 32.

The Examiner pointed out that "Nakato discloses an amine-modified polyaspartic acid or salt which is obtained by the process comprising causing a mixture comprising aspartic acid and/or polysuccinimide, an amine compound ... and an acid compound ... to react while maintaining the mixture in a solid state to obtain amine-modified polysuccinimide ... which anticipates the claimed invention." See the Office Action, page 2, line 21 to page 3, line 3; emphasis added. Applicants disagree that Nakato anticipates the claimed invention. As correctly pointed out by the Examiner, Nakato discloses a process carried out in a solid state, instead of a fluidized state¹. Since a fluidized state is required by claim 1, Nakato does not anticipate claim 1. Neither are claims 2-17 dependent from it.

¹ The above-quoted language appears to be from the abstract. Similar language can also be found at page 3, lines 1-3 and in claims 1, 3, 5, and 6.

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CONCLUSION

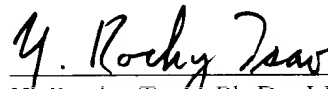
Applicants submit that the ground for rejection asserted by the Examiner has been overcome, and that claims 1-17, as pending, define subject matter that is novel. On this basis, it is submitted that all claims are now in condition for allowance, an action of which is requested.

Please apply any other charges to deposit account 06-1050.

Respectfully submitted,

Date: _____

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